

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARK I. SOKOLOW, *et al.*,

Plaintiffs,

vs.

THE PALESTINE LIBERATION
ORGANIZATION, *et al.*,

Defendants.

No. 04 Civ. 00397 (GBD) (RLE)

DECLARATION OF ARIEH SPITZEN

Arieh Spitzen hereby declares as follows:

1. I respectfully submit this declaration to provide certain information to the Court. This declaration has the following sections:

- I. A description of my background.
- II. A description of the laws, policies and practices of the Palestine Liberation Organization (PLO) and Palestinian Authority (PA) for making payments to designees of imprisoned terrorists and to families of so-called “shahids” (“martyrs”), including suicide terrorists.
- III. A discussion of statements of the PLO and PA after April 18, 2020, confirming that they continue to pay designees of imprisoned terrorists and families of “shahids.”
- IV. A list of the names of certain suicide terrorists along with the date and location of the terrorist attacks in which they were killed, as well as a discussion of the sources used for this summary.

I. Professional Background

2. In 1970, I joined the Israel Defense Forces (“IDF”), serving in an elite unit as the Israeli equivalent of a Navy Seal. In 1972, I transferred to the IDF’s Intelligence Unit, where I served until 1974. Then I enrolled at Hebrew University in Jerusalem, specializing in Middle East, Arabic, and Jewish History, and graduating cum laude in 1976. I subsequently returned to the IDF, to its Palestinian Affairs Department (“PAD”) in the West Bank.

3. In 1976, I established the Research Section of the Advisor for Arab Issues in the Military Government in the West Bank (subsequently known as the Civil Administration) and served as its Section Head until 1978. With the exception of the years between 1978 and 1981, when I served as a researcher-assistant dealing with issues concerning the integration of the Arab population within Israel’s society and establishment, I remained in the PAD for the next 30 years.

4. After returning to the PAD in 1981, I resumed my role as Section Head of the Research Section of the Advisor for Arab Issues in the Military Government in the West Bank until 1993. In that capacity, I dealt with socio-economic and political research regarding the Palestinians, focusing on political and social trends among the population. In that position, I wrote or oversaw the writing of hundreds of research papers, staff papers, articles, anthologies, and fundamental studies in civilian matters that served the decision-making echelons of various elements of the Israeli government including the Ministry of Defense.

5. From 1993 to 1996, I was assigned to the negotiation team for the Oslo Peace Accords and served as a member of teams that negotiated the transfer of civilian authorities from the Civil Administration to the PA. From 1996 to 1998, I supervised the activity of civilian coordination in the West Bank vis-à-vis the PA’s Ministry of Civil Affairs and other civilian offices. From 1998 to 2000, I was Department Head for Palestinian Issues in the West Bank at a rank of Colonel. As

a senior consultant in the system, I served during the same period as the Coordinator for Arab Issues for the Operation Coordinator.

6. From 2001 to 2009, I was Department Head for Palestinian Issues in the Administered Territories as the Coordinator of Government Activities in the Territories (“COGAT”). By virtue of this position, I was a professional instructor and the top authority regarding the socio-economic civilian situation in the Palestinian arena in the West Bank and Gaza Strip. I wrote hundreds of surveys and studies about the civilian situation, the various political trends and how they were operationalized, the social trends, the economic atmosphere and its influence, and other diverse civilian issues connected to the civilian Palestinian realm, including terrorist organizations.

7. I have served as an expert witness about Palestinian terrorism in ten federal civil terrorism cases in the United States: *Linde, et al. v. Arab Bank, Plc* (in which I testified for five days in a six-week jury trial in 2014); *Gill v. Arab Bank, Plc*; *Strauss, et al. v. Crédit Lyonnais, S.A.*; and *Weiss, et al. v. National Westminster Bank Plc*—all in the United States District Court for the Eastern District of New York; *Fraenkel, et al. v. Islamic Republic of Iran, et al.*; *Braun, et al. v. Islamic Republic of Iran, et al.*; and *Force, et al. v. Islamic Republic of Iran, et al.*—all in the United States District Court for the District of Columbia; and *Weinstock, et al. v. Islamic Republic of Iran, et al.*; *Weinstock, et al. v. Mousa Mohammed Abu Marzook*; and *Weinstock, et al. v. Hamas*—all in the United States District Court for the Southern District of Florida.

II. The PLO's and PA's Laws, Policies and Practices For Terror Payments

8. The PLO and PA have continuously rewarded terrorists since they were established in 1964, and 1994, respectively. Of relevance here, the families of “shahids,”¹ and the prisoners and ex-prisoners imprisoned for committing terror attacks, receive special honor and payment.

9. While this Declaration focuses on payments and other benefits of monetary value, it is useful to begin by recalling that the PLO and PA glorify “shahids” and prisoners, singling them out for special standing and symbolic tributes. January 7 is officially designated as the annual day for saluting “the Palestinian Shahid.” The decision to set aside an annual day for remembering the Palestinian shahids was approved by the PLO in 1969. And in 1974, the Palestinian National Council designated April 17 as Palestinian Prisoners Day.

10. The PLO and PA provide terrorist prisoners, terrorists released from prison, and families of shahids (including suicide terrorists) with monthly salaries and other financially valuable benefits including one-time grants, free legal representation, free medical care, and free tuition. These benefits are not social welfare or charity to the needy. The grants and benefits are bestowed on rich and poor alike, without regard for the recipients’ financial condition. Addressing the shahid program in 2007, the World Bank stated: “The program is clearly not targeted to the poorest households.... [and] the level of resources devoted to the Fund for Martyrs and the Injured does not seem justified from a welfare or fiscal perspective.”² Similarly, addressing the prisoner payment

¹ In the Islamic faith, a “shahid,” is a martyr who has died for the sake of Allah. The PLO and the PA have adopted this term to refer to a person, even a secular person, who dies in the context of Palestinian “resistance” to Israel, including suicide terrorists. As former PA Minister for Prisoners Affairs testified, “We refer to people who died...serving the Palestinian people, we call them ‘shahids.’” Deposition of Ashraf al-Ajrami p. 81, *Saperstein v. Palestinian Auth.*, No. 04-20225-CIV (S.D. Fla. Mar. 10, 2010).

² World Bank Report No. 38207-WBG, *West Bank and Gaza Public Expenditure Review Vol. 2* at 169-70 (2007) <http://documents1.worldbank.org/curated/en/311981468320951707/text/382071GZ0v2.txt>.

program, former Minister of Prisoners Affairs Ashraf al-Ajrami testified that the program is not needs-based, and that the Ministry paid “around 11,000” prisoners, and “we paid all of them without any exception.”³

11. Prisoners convicted of terrorism and who served or are still serving their terms are considered and are treated by the PA and PLO as national heroes. To take one recent example out of hundreds, the Prisoners and Ex-Prisoners Commission (discussed below) published a statement in April 2018 that: “The sector of prisoners and detainees is considered one of the most important sectors in the Palestinian national movement.”⁴

A. Payments to the Families of Suicide Terrorists

12. The Institution for Families of the Martyrs and the Injured (hereafter, “the Institution”) makes payments to the families of terrorists killed or injured in the course of carrying out terrorist attacks. The Institution provides payments to families of terrorists killed while perpetrating terror attacks specifically because of the relevant individual’s death. If not for the death of the family member while executing a terrorist attack, the family would be ineligible for payments or benefits from the Institute.

13. The practice of the Institution is to make monthly payments to families of all shahids.⁵ The Institution also pays for additional benefits to the families — for example, it covers tuition

³ Deposition of Ashraf al-Ajrami p. 45, *Saperstein v. Palestinian Auth.*, No. 04-20225-CIV (S.D. Fla. Mar. 10, 2010).

⁴ The statement is available at: <https://tinyurl.com/y26r68cb>.

⁵ See Palestinian Authority Ministry of Finance, Budget Book 2018, p. 739, http://www.pmf.ps/pmf/documents/budget/2018/BUDGET_BOOK_2018.pdf.

fees.⁶ The Institution evaluates the case of each shahid using a “Social Examination” form.⁷ Using the Social Examination form, the Institution evaluates information about the deceased and the family, the date, place, circumstances of his or her death, and proof of death.⁸ As an example, I have attached the file relating to Wafa Idris, a suicide terrorist who was killed perpetrating a terror attack on the Sokolow family. The file contains information about Idris, her family, the date and place of the “event” (January 27, 2002), and a “description of the event” which states, in part: “Wafa Ali Khalil Idris” “blew herself up in a crowd ... that resulted in killing one and injuring more than one hundred in addition to her immediate death.” Ex. 3 hereto. The Institution’s staff concluded, “She was martyred during a heroic martyrdom operation against the Zionists in the occupied city of Jerusalem. Therefore we recommend that she is considered one of the al-Aqsa Intifada Martyrs according to the regulations.” *Id.* The Director of the Institution approved the application, “with an allocation of 600 shekels a month” approximately two weeks after Idris’ death. *Id.*

14. The Institution will not provide payments in respect of persons engaged in ordinary street crime. Thus, in a 2016 decision, the PA’s Supreme Court of Justice decided that the Institution was justified in refusing to pay benefits in the case of a Palestinian man who was shot by Israeli soldiers during the course of a regular (i.e., non-terrorist) crime, because the man was not shot in the course of “resistance activities” or “militant activities.”⁹

⁶ *Id.*, pp. 739-740.

⁷ Decision No. 392 of 2005, published in Issue No. 65 of the PA’s Official Gazette, June 2006, page 502. See <http://muqtafi.birzeit.edu/pg/getleg.asp?id=15303>; https://www.lab.pna.ps/-cached_uploads/download/2018/01/28/65-1517150633.pdf.

⁸ The Institution’s procedures may be found on its Facebook page, <https://www.facebook.com/922497227847386/photos/a.922514464512329/2799822073448216/>.

⁹ See *Sarsour v. Attorney General*, Case No. 144/2015 (2016), available at <http://muqtafi.birzeit.edu/courtjudgments/ShowDoc.aspx?ID=105165>.

15. The Institution is an official part of the PLO. The Institution was founded in 1965 by Fatah, and in 1971 the PLO's Palestinian National Council declared it an official institution of the PLO.¹⁰ In 1994, it was transferred to the PA's Ministry of Social Affairs.¹¹ At that time (as now) the head of the Institution was Ms. Intisar al-Wazir, who became a minister in the PA in 1994.¹² In 2005, following the conclusion of Ms. al-Wazir's service as a PA minister, the Institution was transferred back to PLO in a decree by Mahmoud Abbas, signed in his capacity both as Chairman of the PLO and as President of the PA.¹³ The Institution continues to be part of the PLO.¹⁴

¹⁰ See https://info.wafa.ps/ar_page.aspx?id=fCJqTua27460929309afCJqTu.

¹¹ The PA's Ministry of Social Affairs was declared in 1994, when the Palestinian Government was declared. See <http://palestinecabinet.gov.ps/GovService/GOSPub/ViewDetails?ID=29>; The first Palestinian government included Ms. Intisar al-Wazir as the Minister of Social Affairs. See https://wafa.ps/ar_page.aspx?id=GqP9DNa851111782521aGqP9DN.

¹² https://wafa.ps/ar_page.aspx?id=GqP9DNa851111782521aGqP9DN.

¹³ Decision number 303 from 2006, which was published in Issue No. 66 of The PA's Official Gazette, July 2006, page 35, (announcing "the reconfirmation of our sister Intisar al-Wazir as head of the Palestine Liberation Organization's Institution for Families of the Martyrs and the Injured"), https://www.lab.pna.ps/cached_uploads/download/2018/01/28/66-1517150633.pdf; see also the World Bank Report No. 38207-WBG, *West Bank and Gaza Public Expenditure Review From Crisis to Greater Fiscal Independence* Volume II of II, March 2007, <http://documents1.worldbank.org/curated/en/311981468320951707/text/382071GZ0v2.txt>.

¹⁴ A tender on behalf of the Institution, captioned by the symbol of the PLO, was published in the Palestinian newspaper Al-Ayyam in November 2018: <https://www.al-ayyam.ps/pdfs/2018/11/08/p05.pdf>. In March 2019, an item appeared on the Al-Watan website that refers to the Institution as a PLO institution: <https://www.alwatanvoice.com/arabic/news/2019/03/11/1224236.html>. On the Institute's official Facebook page, the Institution's logo can be seen and above it the name of the PLO: <https://www.facebook.com/FWPAL>. That the Institution is a part of the PLO may also be inferred from the latest Facebook page that declares itself the Institution's Jerusalem page: <https://tinyurl.com/y4anv1rk>. Its legal status is also described in a pamphlet about the Institution by "AMAN – Transparency Palestine," December 2010, pp. 4–5. https://www.aman-palestine.org/cached_uploads/download/migratedfiles/itemfiles-/b3dd98a029db76be614d1a64dd10604e.pdf.

16. The Institution is also a part of the PA. The PA's website states that the Institution is part of its organizational structure.¹⁵ Moreover, the Institution is funded by the PA's Ministry of Finance. In March 2019, for example, Ms. al-Wazir announced that some salaries would not be paid in full that month, adding: "We sent all the names to the Finance Ministry as usual, but they answered that we must reduce the names, and sent us a disc with names for which the salaries had been stopped this month."¹⁶

B. Payments to the Designees of Imprisoned and Released Terrorists

17. The Commission for Prisoners and Ex-Prisoners (the "Commission") makes payments to the designees of prisoners imprisoned for perpetrating terror attacks. The Commission pays the prisoners' designees specifically because of the relevant individual's imprisonment for terrorism. If not for the imprisonment, the designee would be ineligible for payments or benefits from the Commission.

18. The Commission's website describes the functions of the Commission, which provides monthly payments and benefits to prisoners, ex-prisoners, and their families.¹⁷ The Commission's website says that these payments and other benefits are provided in "recognition of the legitimacy of the Palestinian and Arab prisoners' and detainees' national struggle and of their resistance to occupation."¹⁸

¹⁵ <http://palestinecabinet.gov.ps/GovService/GOSPub/Default>.

¹⁶ <https://www.alwatanvoice.com/arabic/news/2019/03/03/1222052.html>.

¹⁷ <http://cda.gov.ps/index.php/ar/alhayia/2017-05-24-11-46-52>.

¹⁸ <http://cda.gov.ps/index.php/ar/alhayia/2017-05-24-11-46-52>.

19. The benefits provided by the Commission are also detailed on the official website of the PA Council of Ministers, under the heading “Guide to Government Services.”¹⁹ The guide states that the Commission provides payments and other benefits to prisoners if “the prisoner was imprisoned as a result of his participation in the struggle against the Occupation,” and details seventeen types of benefits to which prisoners and ex-prisoners and their designees are entitled.²⁰

20. As detailed on the PA’s website under the heading “Payment of salaries to prisoners and ex-prisoners,” the amounts of the monthly salaries are set according to the length of the prisoner’s sentence.²¹ The longer the sentence, the higher the salary. The highest salary on the scale — 12,000 shekels (more than \$3,500 in today’s terms) — goes to a prisoner sentenced to 30 years’ imprisonment or more, a punishment imposed on those convicted of committing or attempting murder.²² The salaries are not needs-based, and in practice they significantly improve the conditions of the recipients as compared with the general population. This is illustrated by economic figures from 2018. According to data from the PA, the basic monthly grant for a prisoner serving 30 years in prison (with no increment for wife and children) is 12,000 shekels (as of 2018, roughly \$3,500), a sum approximating the *annual* local GDP per person. In other words, a terrorist serving

¹⁹ <http://palestinecabinet.gov.ps/GovService/List?OrgId=36>. See there also the topics of assistance to prisoners.

²⁰ *Id.*; see <http://www.palestinecabinet.gov.ps/portal/GovService/Details/2871>.

²¹ <http://palestinecabinet.gov.ps/GovService/ViewService?ID=169>.

²² For details, see the table that appears in Government Decision No. 23 from 2010: <https://library.-lab.pna.ps/FileManager/BookAttachmnt/21505/2>.

a 30-year sentence is able to direct to his family or other designees — every month — the equivalent of a full year's worth of economic activity for the average Palestinian.²³ Each monthly prisoner salary is *five* times the average monthly salary in the West Bank (\$700) and more than *eight* times the average monthly salary in Gaza (\$408).²⁴

21. The Commission also pays salaries to the designees of ex-prisoners (who are typically the ex-prisoners themselves). In 2011 the PA's Minister for Prisoners and Ex-Prisoners, Issa Qaraqi, told WAFA, the official PLO and PA press service, that the Ministry had paid \$1.2 million in salaries to 1,212 former prisoners released in 2007, 2008, and 2009.²⁵

22. Other benefits, which are detailed on the PA's website, include loans to ex-prisoners and their families;²⁶ free legal advice and assistance for terrorist prisoners;²⁷ free medical insurance;²⁸ free tuition;²⁹ and an end-of-imprisonment grant.³⁰

²³ See the 2019 report from the Palestinian Central Bureau of Statistics, pp. 5, 13, http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_30-9-2019-qna-en.pdf.

²⁴ Report of the Palestinian Central Bureau of Statistics, p. 5, http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_8-5-2018-LF-en.PDF.

²⁵ https://www.wafa.ps/ar_page.aspx?id=7J499Ma575278535073a7J499M.

²⁶ <http://www.palestinecabinet.gov.ps/portal/GovService/Details/739>

²⁷ <http://www.palestinecabinet.gov.ps/portal/GovService/Details/167>.

²⁸ <http://www.palestinecabinet.gov.ps/portal/GovService/Details/743>.

²⁹ <http://www.palestinecabinet.gov.ps/portal/GovService/Details/749>; see also <http://www.palestinecabinet.gov.ps/portal/GovService/Details/750>.

³⁰ <http://www.palestinecabinet.gov.ps/portal/GovService/Details/754>.

23. In order to renew allocations and to obtain other financial benefits, the designee of the prisoner must fill out a form and provide documentation to the Commission. For “sentenced prisoners,” the “required documents” includes, “... a Red Cross certificate stating the period of the sentence and the verdict itself, in Hebrew.”³¹

24. The prisoners’ entitlements are set forth in numerous laws and regulations of the PLO and the PA, which have developed over a period of years. In 2004, the PLO and PA adopted the Prisoners and Ex-Prisoners Law, No. 19, of 2004.³² The law entitles “each prisoner, without discrimination, [to] a monthly allowance while he is in prison” (Article 6). In addition to the monthly allowance, the law further requires each prisoner to select a designee to receive a monthly salary:

1. The Authority must give every prisoner a monthly salary specified by the system, to be proportionate with the cost of living.
2. Prisoners’ family members shall receive a portion of the prisoners’ salary based on the standard of legal expenditure in effect.
3. The prisoner shall appoint an agent to collect his monthly salary or what remains of it.

25. Additionally, in 2008, the PA’s Council of Ministers issued a determination that a prisoner’s “period of captivity” in Israeli prison would be included as “national service” for the purpose of computing the pensions of employees of the PLO.³³ In 2011, the PA issued a decree providing that prisoners shall be treated as PA employees and formally protecting the prisoners’

³¹ <http://www.palestinecabinet.gov.ps/portal/GovService/Details/3098>. A copy of this page is attached as Exhibit 2. For an earlier version of the documentation requirements, see Art. 10 of the 2006 regulations, admitted in evidence at the trial of this case as Exhibit 512 (requiring the prisoners’ relatives to produce “the charge sheet issued by the Israeli military prosecutor” and “the sentence, if the Israeli courts have sentenced him.”)

³² The text of this law and of the 2006 Regulations was admitted in evidence at the trial of this case as Plaintiffs’ Exhibit 512. It is attached as Exhibit. 1.

³³ <http://muqtafi.birzeit.edu/pg/getleg.asp?id=16140>.

right to a salary; a table sets out the monthly salaries according to the recipient's period of imprisonment, with longer sentences entitling the prisoner to a higher monthly salary.³⁴

26. The PA's Ministry of Finance funds the Commission. By law, the Commission has an independent line-item in the PA's general budget and is subject to the PA's rules of financial and administrative oversight.³⁵ Details of the budget appear annually in the published Palestinian Authority's Budget Book.³⁶ In July 2020, Qadri Abu Bakr, the Commission's Chairman, said that the PA's Ministry of Finance had transferred the prisoner payments to the bank accounts of the prisoners and ex-prisoners, adding that the Commission was monitoring the payments along with the Prime Minister's Office and the Palestinian Monetary Authority.³⁷ The background context in which this statement was made is discussed below in Part IV.

27. As a matter of form, the PLO and the PA have transferred the administration of the prisoner payment program back and forth between themselves numerous times. Before the PA was formed, support for prisoners was handled by the PLO's Institution (described above). In 1998, Yasser Arafat, in his capacity as Chairman of the PLO and President of the PA, issued a decree, based on a previous decree (Decree No. 1 from 1996), establishing a Ministry for Prisoners' Affairs among other ministries of the government.³⁸ In 2014, the PLO and PA established the Commission and transferred the Ministry's functions to it, pursuant to a decree issued by Mr. Abbas in his

³⁴ Decision No. 23 for 2010, <https://library.lab.pna.ps/FileManager/BookAttachmnt/21505/2>.

³⁵ See https://www.lab.pna.ps/cached_uploads/download/2018/05/22/%D8%A7%D9%84%D8%B9%D8%AF%D8%AF-142-%D9%85%D8%B9-%D8%B4%D8%B9%D8%A7%D8%B1152-6984983.pdf, pp. 18-19.

³⁶ For example, see http://www.pmf.ps/pmf/documents/budget/2018/BUDGET_BOOK_2018-.pdf, pp. 174-186.

³⁷ <https://tinyurl.com/yxtboscx>.

³⁸ <http://muqtafi.birzeit.edu/pg/getleg.asp?id=12678>.

capacities as both Chairman of the PLO and President of the PA.³⁹ And in 2018, the PLO and PA adopted a law,⁴⁰ also signed by Mr. Abbas in his capacities as Chairman of the PLO and President of the PA, which transferred the Commission and its functions back to the PA. At present, the Commission's website is located on the PA's official internet domain, "gov.ps."⁴¹

28. In practice, the prisoner payment program has been and remains simultaneously controlled and operated by both the PLO and the PA. As noted above, the PA's website lists the Commission as a provider of "Government Services."⁴² The PLO website also describes the Commission as a part of the PLO.⁴³ The relevant laws and decrees have all been signed by the Chairman of the PLO and the President of the PA, who is the same person, in the exercise of both capacities. The Chairman of Commission itself, Qadri Abu Bakr, is also a member of the PLO's Palestinian National Council,⁴⁴ and has remained at the head of the Commission from his appointment in 2015

³⁹ <https://library.palestineconomy.ps/public/files/server/20151412112948-2.pdf>, pp. 10-11; see <http://www.plo.ps/category/125/1/>; see also WAFA's 2014 announcement of the change at https://info.wafa.ps/ar_page.aspx?id=3795.

⁴⁰ The complete law as published in the Official Gazette of the Palestinian Authority: https://www.lab.pna.ps/cached_uploads/download/2018/05/22/%25D8%25A7%25D9%2584%-25D8%25B9%25D8%25AF%25D8%25AF-142-%25D9%2585%25D8%25B9-%25D8%25B4-%25D8%25B9%25D8%25A7%25D8%25B1-1526984983.pdf, pp. 18-19.

⁴¹ See "Registration Policy" of the Palestinian National Internet Naming Authority, at <http://www.pnina.ps/registration-policy/> at article 3.7.2 (explaining that the "gov.ps" domain is reserved for PA institutions).

⁴² <http://palestinecabinet.gov.ps/GovService/List?OrgId=36>.

⁴³ <http://www.plo.ps/category/125/1>.

⁴⁴ <http://cda.gov.ps/index.php/ar/alhayia/2017-05-24-09-17-16>.

to today without change as the Commission has shifted from the PLO to the PA.⁴⁵ And no significant administrative change has been announced as a consequence of the formal transfer of the Commission from the PLO back to the PA.

III. Statements of the PLO and PA after April 18, 2020 that They Continue to Make Prisoner and Shahid Payments

29. Since April 18, 2020, the PLO and PA have made numerous statements that they are continuing their programs to pay all designees of prisoners and families of shahids. Some context for these statements is useful.

30. In the last few years, several governments have taken steps to persuade the PLO and the PA to halt paying terrorists and their families. In March 2018, the U.S. Congress passed the Taylor Force Act, which denies U.S. financial assistance to the PA for so long as it continues to pay terrorists or their families.⁴⁶ In July 2018, Israel's Knesset passed a law that froze funds transferred to the PA in amounts equal to the amounts that the PA pays in connection with terrorism.⁴⁷ And in February 2020, the IDF issued an order providing that if salaries for Palestinian prisoners and for the families of shahids pass through a bank in the West Bank, that bank would be in violation of Israel's Anti-Terror Law, and that the bank's management and employees would be accessories to a crime if they continue to administer the prisoners' accounts, and subject to punishment of up to ten years in prison.⁴⁸ That order was scheduled to take effect May 9, 2020.

⁴⁵ On July 28, 2015, the website of the Commission for Prisoners and Ex-Prisoners published a profile of General Abu Bakr: <http://cda.gov.ps/index.php/ar/alhayia/2017-05-24-09-17-16>; see also Order No.74 from 2018. <http://muqtafi.birzeit.edu/pg/getleg.asp?id=17061>.

⁴⁶ The law is available at <https://www.law.cornell.edu/uscode/text/22/2378c-1>.

⁴⁷ The law is available at https://fs.knesset.gov.il/20/law/20_lsr_502711.pdf, pages 732–734.

⁴⁸ See Clause 10 of Amendment 67 to Military Order 1827 (Feb. 2020), available at <https://tinyurl.com/y6cf3yt6>; see also https://www.terrorism-info.org.il/app/uploads/2020/06/H_140_20.pdf, page 3.

31. In response to the IDF order, a few banks in the West Bank did halt, for a time, the transfer of payments to some of the accounts of the prisoners and their families. The PLO and PA denounced these steps and made statements and took actions to ensure the continuation of the payments, even at the cost of harsh financial sanctions imposed on them for such support. Senior Palestinian officials spoke repeatedly against attempts to deprive the prisoners and the shahids' families of material benefits, stressing their importance to the PLO and PA.

32. On May 8, 2020, the PA's official spokesman, Ibrahim Milham, announced:

The government confirms that it refuses to bow to Israeli pressure, will remain loyal to the prisoners and the martyrs, and will preserve their rights, regardless of how much pressure is applied.⁴⁹

33. On May 19, 2020, Mahmoud Abbas, the Chairman of the PLO and of the PA said in a speech to the Palestinian leadership in Ramallah that:

We vow to our honorable martyrs and heroic prisoners (just now, the Israelis have asked the banks not to pay the prisoners, but we shall keep paying them, no matter how much the [Israelis] scream)⁵⁰

34. On June 1, 2020, WAFA reported that Qadri Abu Bakr, Chairman of the Prisoners and Ex-Prisoners Commission, stated that "the banks would continue paying the salaries of prisoners and of martyrs' families until a dedicated banking institution is set up for them."⁵¹ WAFA reported that the proposed bank "would be considered a national achievement, since stopping the payment

⁴⁹ Exhibit 4, <https://www.alalamtv.net/news/4914321/-لوقف-رواتب-الإحتلال-لوقف-السلطة-ترفض-ضغوط-الإحتلال-لوقف-رواتب-الأسرى-والشهداء>

⁵⁰ Translation and transcript of excerpt attached as Exhibit 5. The speech may be seen at <https://tinyurl.com/yxcppq4c>. It was reported also at <https://tinyurl.com/y3cxp6us> and at <https://palwatch.org/page/17934>.

⁵¹ Exhibit 6, WAFA June 1 2020, https://www.wafa.ps/ar_page.aspx?id=9sGXtKa877022306193-a9sGXtK.

of those allowances would belittle the martyrs' history and sacrifices, and act against their struggle."⁵² WAFA has since reported that the PA appointed Bayan Qasem as CEO of the new bank,⁵³ and that the bank is called Bank Al-Istiqlal (the Independence Bank).⁵⁴

35. On June 8, 2020, Mohammad Shtayyeh, the PA's Prime Minister, gave an interview on PA TV in which he said, "we continued to pay the prisoners and the shahids in full" and "[w]e will remain committed to this until Judgment Day, until we are victorious, until the bloodbath stops, and until the prisons are closed. This is one issue to which we remain committed." With regard to the February 2020 order, Shtayyeh stated:

The Israelis said: "You have to close 40,000 bank accounts that belong to prisoners." Some banks were afraid and all that, but we said to these banks: "That is a political decision. It is forbidden for Israel to expand its military rule to the Palestinian lands. Stay steadfast on this issue!" The Israelis backtracked. Just as they backtracked on this, on that, and on other things when [we] were steadfast and we persevered, I believe that on July 1 we will be in a different position.⁵⁵

36. On July 5, 2020, WAFA carried a press release from Chairman Abu Bakr announcing that four banks had failed to transfer salaries to approximately 150 relatives of prisoners. According to WAFA: "Abu Bakr demanded that all banks commit to paying the prisoners' allowances and refrain from closing any of the account, or cancelling any of the ATM cards, consideration

⁵² *Id.*

⁵³ WAFA, Economic Portal of Palestine, July 20, 2020; see al-Iqtisadi, July 21, 2020, <https://www.terrorism-info.org.il/en/the-palestinian-authority-continues-preparations-for-founding-a-bank-which-will-enable-it-to-transfer-funds-to-terrorist-prisoners-and-the-families-of-shaheeds/>.

⁵⁴ See the survey from the Meir Amit Intelligence and Terrorism Information Center: <https://www.terrorism-info.org.il/en/the-palestinian-authority-continues-preparations-for-founding-a-bank-which-will-enable-it-to-transfer-funds-to-terrorist-prisoners-and-the-families-of-shaheeds/>.

⁵⁵ Exhibit 7, MEMRI, Palestinian Prime Minister Mohammad Shtayyeh: We Are Reconsidering Our 1993 Recognition of Israel; We Will Continue to Pay Salaries to Families of Prisoners and "Martyrs," <https://www.memri.org/reports/palestinian-prime-minister-mohammad-shtayyeh-we-are-reconsidering-our-1993-recognition>.

that failing to pay the prisoners' allowances would violate the directives of the [Palestine] Monetary Authority and the government, and that it would violate the agreement that had previously been concluded."⁵⁶

37. On July 9, 2020, Abu Bakr gave an interview in which he said: "Regarding the salaries, everything was fine. On Wednesday [July 8], obviously, after having discussions with some of the banks that were disbursement stations, almost all of the prisoners... we didn't receive almost any phone call from any prisoner."⁵⁷

38. On July 27, 2020, WAFA announced that the PA's General Intelligence Service had provided more than 30 special grants to families of prisoners and shahids from a single town – Jenin. WAFA reported that the payments were made "to implement what Mahmoud Abbas had repeatedly stated – that if we were left with just one penny, it would be given to the families of martyrs and prisoners."⁵⁸

39. On September 7, 2020, Abu Bakr gave a televised interview in which he said:

Question: ... you've said you'd submit your resignation, and then came the responses and the discussion, and conversations on the topic [of payments to prisoners]...

Qadri Abu Bakr: I mean, look, we're under tremendous pressure..

Question: Yes. From whom?

Qadri Abu Bakr: From the people, of course. The prisoners' families. From incarcerated prisoners. From ex-prisoners. We have an enormous amount of requests that we're unable of handle... And as you've said, everyone is suffering from this situation, but the prisoners are especially suffering. As for myself, I personally feel that not enough is being done, in general, and in regard to us as well. We're the ones not doing enough.

⁵⁶ Exhibit 8, WAFA, July 5, 2020 <https://www.wafa.ps/Pages/Details/5652>.

⁵⁷ Exhibit 9, Interview of Qadri Abu Bakr, 34:45 - 37:16, available at <https://www.facebook.com/samertayem2020/videos/321807815502094>.

⁵⁸ Exhibit 10, WAFA, July 27, 2020, <https://www.wafa.ps/Pages/Details/6764>.

Question: Ok. This failure, I mean, prisoner affairs should be a priority for everyone, including the payment of financial allowances to them. Mr. Qadri, do you believe that there is negligence, that the prisoners' issue is being neglected, and that it isn't one of the priorities concerning financial allocations?

Abu Bakr: No. I don't think so. That's because when the Israelis blocked the clearinghouse, a full salary was paid to them. One hundred percent was paid to the prisoners, and fifty percent was paid to the employees.⁵⁹

40. On September 28, 2020, the official Palestinian news agency WAFA quoted Palestinian Prime Minister Shtayyeh as saying that despite financial hardships, the PA continues to pay each month various kinds of salaries, including salaries to the families of prisoners and shahids:

The Prime Minister explained that 350,000 salaries are paid every month, which go to military and civilian personnel, the needy families who amount to 120,000, including 81,000 families in the Gaza Strip, 140,000 employees in the West Bank and Gaza, in addition to 75,000 retired military and civilian personnel in the West Bank and Gaza, *as well as the families of prisoners and martyrs at home and in the Diaspora*.⁶⁰

41. Notably, taking Prime Minister Shtayyeh's September 2020 figures at face value, it appears that approximately 15,000 families of prisoners and shahids are "paid every month."⁶¹

IV. Summary of Suicide Terrorists

42. I have reviewed documents concerning certain suicide terrorists and I summarize information about those individuals in the table below. The documents are all from public sources.

⁵⁹ Exhibit 11, see https://www.youtube.com/watch?v=UBJcFvBRsfc&feature=emb_logo.

⁶⁰ Exhibit 12 (emphasis added), WAFA, September 28, 2020, <https://english.wafa.ps/Pages/Details/120374>.

⁶¹ *Id.* (350,000 total salaries "each month," less 120,000 "needy," less 140,000 employees, less 75,000 retired employees, leaves 15,000 salaries).

43. Most of the information in the table comes from the WAFA, the Palestine News & Information Agency, which is the official news agency of the PLO and the PA.⁶² WAFA's website is active in Arabic, English, and French; WAFA and active Facebook and Twitter pages, with more than 270,000 followers. The President of the Palestinian Authority appoints the Chairman of WAFA's Board of Directors,⁶³ and its status as an official institution of the PLO and the PA is defined in Decree No. 6 of 2011.⁶⁴ That Decree provides that WAFA is "the official Palestinian agency for news and information" and "subordinated to the President, inasmuch as it is one of the institutions of the Palestine Liberation Organization." The Decree further states that WAFA will participate in the "implementation of the general policies of the Palestine Liberation Organization" (Article 4).

44. Unless otherwise indicated in the table, the information comes from WAFA. The table also includes information drawn from:

- A. A report from the Israeli Security Agency ("ISA") entitled "Suicide Terrorists in the Current Conflict, September 2000 - September 2007;"
- B. "Martyr Files" produced by the Defendants and admitted in evidence at trial in this case;

⁶² Information regarding WAFA may be found at the WAFA website (<https://info.wafa.ps/a>), the WAFA site on Facebook (<https://www.facebook.com/wafagency>), the WAFA account on Twitter (https://twitter.com/wafa_ps?lang=en), and in the WAFA entry in Guy Bechor's Lexicon of the PLO: People, Organizations, and Events, Third Edition, Israel Ministry of Defense Publishing House, 1999, page 192. (Hebrew).

⁶³ See, for example, the appointment of the present Chairman, Ahmad Assaf, on January 8, 2016: Resolution number 4 for 2016 in the Official Gazette of the Palestinian Authority; see also: https://info.wafa.ps/userfiles/server/pdf/Palestinian_facts_number_117.pdf, page 31.

⁶⁴ https://www.lab.pna.ps/cached_uploads/download/2018/01/28/91-1517150637.pdf, pages 23–28.

- C. *The Palestinian Encyclopedia*, prepared by the Palestine Encyclopedia Authority⁶⁵ and edited by Dr. Mohammad Shtayyeh, the current Prime Minister of the PA; and
- D. A 2010 doctoral thesis entitled “Palestinian Suicide Martyrs (Istishhadiyin): Facts and Figures” by sociologist Dr. Bassam Yousef Ibrahim Banat, who in conducting his research was granted “full cooperation” by the Institute, which gave him “a list of all of the Palestinian Martyrs and the way they implemented the martyrdom operations.”⁶⁶
- E. A letter dated February 12, 2002 by the Office of the Legal Advisor to the Military Commander of the Israeli Defense Forces approving the return of the body of a suicide terrorist to his family for burial obtained from the official police file concerning the attack carried out November 4, 2001.

In the table, notes corresponding to the paragraph lettering above indicate the source. For example the letter “A” indicates that the information comes from the ISA Report, the letter “B” indicates that the information comes from Martyr Files exhibited at trial in this case, and so on. Where no footnote appears, the source is Wafa.

45. Each of the following individuals died while perpetrating a terror attack on the date and in the place indicated:

⁶⁵ See <http://www.plo.ps/category/124/1/>.

⁶⁶ Exhibit 13.

No.	Date of Attack	Location	Individual Who Died Perpetrating Attack
1.	05 September 1972	Munich	Yusuf Nazzal ^C
2.	05 September 1972	Munich	Mohammed Masalha ^C
3.	11 March 1978	Tel Aviv	Dalal Said Mohammad al-Mughrabi
4.	09 October 1994	Jerusalem	Hassan Mahmoud 'Isa Abbas
5.	25 December 1994	Jerusalem	Ayman Kamel Radi ^D
6.	22 January 1995	Netanya (Beit Lid Jct.)	Anwar Mohammed Atiyyah Sukar
7.	22 January 1995	Netanya (Beit Lid Jct.)	Salah Abd al-Hamid Shaker Mohammad
8.	09 April 1995	Kfar Darom	Khaled Mohammad Mahmoud al-Khatib
9.	21 August 1995	Jerusalem	Sufyan Salem Abd Rabbo al-Jabarin
10.	25 February 1996	Jerusalem	Magdi Mohammad Abu Wardah ^D
11.	04 March 1996	Tel Aviv	Ramez Abed al-Kader Mohammad Abid
12.	30 July 1997	Jerusalem (Mahane Yehuda Market)	Taufik Ali Mohammed Yassin
13.	30 July 1997	Jerusalem (Mahane Yehuda Market)	Muawiya Mohammad Ahmed Jarara
14.	04 September 1997	Jerusalem (Ben Yehuda St.)	Bashar Mohammad As'ad Sawalha
15.	04 September 1997	Jerusalem (Ben Yehuda St.)	Yousef Jameel Ahmad Shuli
16.	04 September 1997	Jerusalem (Ben Yehuda St.)	Khalil Ibrahim Tawfiq Sharif
17.	28 March 2001	Neve Yamin	Fadi Attallah Yusuf Amer
18.	01 June 2001	Tel Aviv (Dolphinarium)	Said Hussein Hasan Hutari
19.	09 August 2001	Jerusalem	Izz al-Din Shuheil Ahmad al-Masri
20.	04 November 2001	Jerusalem (French Hill)	Hatem Yaqin Ayes Shweiki ^E
21.	01 December 2001	Jerusalem (Ben Yehuda St.)	Nabil Mahmoud Al-Halabiah ^D
22.	01 December 2001	Jerusalem (Ben Yehuda St.)	Osama Mohammed Bahr ^D
23.	12 December 2001	Emmanuel (near)	Asem Yousef Mohamed Hamed (aka Assem Yousef Rihan)
24.	17 January 2002	Hadera	Abdul Salaam Sadek Mer'y Hassoun
25.	22 January 2002	Jerusalem (Jaffa Road)	Said Ibrahim Said Ramadan ^B
26.	27 January 2002	Jerusalem (Jaffa Road)	Wafa Ali Khalil Idris ^B
27.	16 February 2002	Karnei Shomron	Sadek Abdel Hafez

28.	18 February 2002	Kibbutz Kissufim	Mohammad Mahmoud Mohammad Al-Kasir
29.	09 March 2002	Jerusalem	Fouad Ismail Al-Hourani ^D
30.	21 March 2002	Jerusalem	Mohammed Mashhoor Mohammed Hashaika ^B
31.	27 March 2002	Netanya	Abdel-Basit Mohammed Qasem Odeh
32.	31 March 2002	Efrat	Jamil Khalaf Mustafa Hamed
33.	07 May 2002	Rishon Lezion	Mohammad Jamil Muamar ^D
34.	19 May 2002	Netanya	Osama Adel Mohammad Beshkar
35.	18 June 2002	Gilo	Mohammed Hazza Al-Ghoul
36.	19 June 2002	Jerusalem (French Hill)	Sa'id Wadah Hamid Awada ^B
37.	30 July 2002	Jerusalem	Hazem Atta Sarasra ^D
38.	31 August 2002	Har Bracha	Yusef Ibrahim Hasan Atalla
39.	19 September 2002	Tel Aviv	Iyad Naeem Radad
40.	27 October 2002	Ariel	Muhammed Kzid Faysal Bastami
41.	28 November 2002	Beit Shean	Omar Muhammad Awadh Abu al-Rab
42.	28 November 2002	Beit Shean	Yousef Muhammad Ragheb Abu al-Rab
43.	05 March 2003	Haifa	Mahmoud Omran Al-Qawasmeh ^D
44.	07 March 2003	Kiryat Arba	Muhsin Muhammad Omar al-Qawasmeh
45.	07 March 2003	Kiryat Arba	Fadi Ziyad Muhammad Fakhoury
46.	30 April 2003	Tel Aviv	Asef Mohammad Hanif ^A
47.	30 April 2003	Tel Aviv	Omar Sharif Khan ^A
48.	18 May 2003	Jerusalem	Basem Jamal Darwish al-Takruri
49.	11 June 2003	Jerusalem	Abdel-Muti Mohammad Saleh Shabaneh
50.	19 August 2003	Jerusalem	Raed Abdel-Hamid al-Razaq Misk
51.	09 September 2003	Jerusalem	Ramiz Fahmi Izz al-Din Abu Salim
52.	04 October 2003	Haifa	Hanadi Taysir Abd al-malik Jaradat
53.	29 January 2004	Jerusalem	Ali Ja'ara ^B
54.	22 February 2004	Jerusalem	Mohammad Issa Khalil Zghool
55.	22 September 2004	Jerusalem	Zaynab Ali Isa Abu Salem
56.	17 April 2006	Tel Aviv	Samer Samih Mohammad Hammad
57.	06 March 2008	Jerusalem	Alaa Hisham Abu Dheim
58.	22 October 2014	Jerusalem	Abdel Rahman Idris al-Shaludi
59.	18 November 2014	Jerusalem	Uday Abu Jamal
60.	18 November 2014	Jerusalem	Ghassan Muhammad Abu Jamal
61.	13 October 2015	Jerusalem	Bahaa Muhammad Khalil Alyan
62.	08 March 2016	Tel Aviv (Jaffa)	Bashar Muhammad Abd al-Qader Masalha
63.	30 June 2016	Kiryat Arba	Mohammad Naser Mahmoud Tarayreh
64.	08 January 2017	Jerusalem	Fadi Ahmad HamdanAl-Qunbar
65.	16 August 2019	Elazar	Ala'Khader al-Hreimi

46. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 11, 2020



Arich Spitzen